S.B. Criminal Misc. Bail Application No.6371/2006
Ram Gopal Meena Vs. State of Rajasthan

Date Of Order :: 9.11.2006

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. Mahendra Shandilya, counsel for petitioner.
Mr. R.P. Kuldeep, Public Prosecutor for State.
Mr. K.C. Sharma, counsel for complainant.

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Heard learned counsel for accused petitioner as well as complainant, learned Public Prosecutor for the State, perused the case diary and other material produced during the course of arguments.

It is contended on behalf of the accused petitioner that he is the owner of the land in dispute since he purchased it in the year 1975 from the original Khatedar Hari Narayan Meena and in the year 2005 he filed a suit for specific performance of the contract. It is also submitted that the complainant is not the owner of the land in dispute nor he can claim the ownership since he is by caste Mali and the original Khatedar is by caste Meena. It is also submitted that false allegations have been levelled against him in regard to obtaining the signatures of the complainant by force and fabricating the document by deceitful means. It is further submitted that a civil suit is also pending before the civil court and this matter is of civil nature but with malafide intentions the FIR has been lodged against him.

Learned Public Prosecutor and counsel appearing for the complainant vehemently opposed the bail application and contended that the complainant Chouth Mal was in possession over the disputed land, the accused petitioner along with two other persons called the complainant along with original papers, they took the original documents and forcibly obtained the signatures of the complainant on various blank papers. It is also submitted that the anticipatory bail application of the other co-accused has also been

dismissed.

Without making any observation on merits, having considered the rival submissions made at the bar, nature of accusation and allegations, material on record and all other facts and circumstances, I am not inclined to grant the benefit of pre-arrest bail to accused petitioner Ram Gopal Meena. The same is accordingly rejected. However he is free to surrender before the competent court and in case he surrenders before the competent court and moves an application for grant of bail, the same may be disposed of expeditiously, as far as possible on the same day, in accordance to law.

(J.R. Goyal),J.

VS Shekhawat/-
Jr.P.A.